

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

-----  
UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
-vs- ) Case No.  
 ) 2:07-cr-20327-JAC-MKM-2  
ANTONIO IVEZAJ, D-2, )  
 )  
Defendant. )  
----- )

Proceedings had in the above-entitled  
matter, before the HONORABLE JULIAN ABELE COOK, United  
States District Judge, at 211 Lafayette, Theodore Levin  
Courthouse, Detroit, Michigan, on Tuesday,  
September 16, 2008.

APPEARANCES:

BRUCE C. JUDGE, ESQ.  
United States Attorney's Office  
211 W. Fort Street Suite 2001  
Detroit, Michigan 48226

Appearing on behalf of United States of  
America,

LAW OFFICES OF MICHAEL J. KEMNITZ, PC  
645 Griswold Street Suite 1717  
Detroit, Michigan 48226  
(By Michael J. Kemnitz, Esq.)

Appearing on behalf of Defendant.

THE NEW CENTURY GROUP (313) 963-5410

W I T N E S S      I N D E X

- - - - -

Witness

\_\_\_\_\_

Examined\_by

\_\_\_\_\_

(None)

Page

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E X H I B I T      I N D E X

- - - - -

Exhibit\_No.

\_\_\_\_\_

Description

\_\_\_\_\_

(None marked)

Page

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1 Detroit, Michigan  
2 Tuesday, September 16, 2008  
3 11:10 a.m.

4 - - -

5 THE CLERK: Court calls Case No.  
6 07-cr-20327-2, United States of America versus  
7 Antonio Ivezaj.

8 MR. JUDGE: Good morning, your Honor,  
9 for the record, Bruce Judge appearing on behalf of  
10 the United States.

11 MR. KEMNITZ: Good morning, your Honor,  
12 Michael Kemnitz appearing on behalf of Mr. Ivezaj.

13 THE COURT: Thank you. Would you bring  
14 your client to the podium.

15 MR. KEMNITZ: Sure.

16 THE COURT: Would you swear the  
17 witness, please?

18 THE CLERK: Mr. Ivezaj, please raise  
19 your right hand.

20 Do you solemnly swear that the  
21 testimony you will give will be the truth, the  
22 whole truth and nothing but the truth?

23 THE DEFENDANT: Yes, I do.

24 THE COURT: What is your name, sir?

25 THE DEFENDANT: Antonio Ivezaj.

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1 THE COURT: Are you the Defendant in  
2 this case?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: I have been presented with  
5 two documents by Mr. Judge, the counsel for the  
6 Government. He has labeled his Proposed Exhibit  
7 No. 1 as a Rule 11 Plea Agreement.

8 The second document which has been  
9 identified by Mr. Judge, is his Proposed Exhibit 2  
10 is entitled Guilty Plea Questionnaire.

11 On page ten of the Government's  
12 Proposed Exhibit 1, and on page seven of the  
13 Government's Proposed Exhibit No. 2, there appears  
14 to the court to be your signature.

15 I ask you to look at these two  
16 documents on the original form, and tell me if your  
17 signature appears on each one?

18 THE DEFENDANT: Yes, they do, your  
19 Honor.

20 THE COURT: I want you to look at the  
21 original documents.

22 THE DEFENDANT: I'm sorry.

23 THE COURT: I want you to look at the  
24 original documents.

25 THE DEFENDANT: Okay. Yes, they do,

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4

1 your Honor.

2 THE COURT: Does your signature appear  
3 on the Proposed Exhibits 1 and 2?

4 THE DEFENDANT: Correct, your Honor.

5 THE COURT: Did you read each document  
6 before you signed your name to them?

7 THE DEFENDANT: Yes, I did, your Honor.

8 THE COURT: Did you sign these  
9 documents freely and voluntarily?

10 THE DEFENDANT: Yes, I did, your Honor.

11 THE COURT: Did anyone force you to  
12 sign your name to either of these documents?

13 THE DEFENDANT: No, your Honor.

14 THE COURT: For the purpose of this  
15 hearing, I will receive into evidence the  
16 Government's Proposed Exhibits 1 and 2.

17 Mr. Ivezaj, I will now submit to you a  
18 series of questions, most of which will be based on  
19 a pattern after the questions that are found in

20 Government's Exhibit 2.

21 I ask you to listen carefully to my  
22 questions and give me an answer only if you fully  
23 understand every word and phrase that is used.

24 If somehow you do not hear my  
25 questions, or if you do not understand a word or

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1 phrase, please tell me.

2 If you have any questions which in your  
3 opinion require some legal advice, I recommend that  
4 you speak with your counsel, Mr. Kemnitz, who is on  
5 your immediate right, do you understand that, sir?

6 THE DEFENDANT: Yes, I do, your Honor.

7 THE COURT: Are you here today for the  
8 purpose of offering a plea of guilt to committing  
9 conspiracy to commit bribery?

10 THE DEFENDANT: Yes.

11 THE COURT: Do you know that any  
12 statement made by you today during this proceeding,  
13 may be used against you in perjury or false  
14 statement prosecutions by the Government?

15 THE DEFENDANT: Yes.

16 THE COURT: How old are you at the

17 present time?

18 THE DEFENDANT: 38 years old.

19 THE COURT: Can you read, write and  
20 understand the English language?

21 THE DEFENDANT: Yes.

22 THE COURT: How far did you go in  
23 school?

24 THE DEFENDANT: Two years of college.

25 THE COURT: Do you know that you have a

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1 right to have an attorney represent your interest  
2 during every legal proceeding before this court?

3 THE DEFENDANT: Yes, your Honor.

4 THE COURT: You know that I will  
5 appoint a lawyer to represent your interest in this  
6 case, if you cannot afford to retain an attorney of  
7 your own selection?

8 THE DEFENDANT: Yes, your Honor.

9 THE COURT: Do you know that you have a  
10 right to plead not guilty?

11 THE DEFENDANT: Yes, your Honor.

12 THE COURT: Do you know that as a  
13 Defendant, you are presumed to be innocent until  
14 such time as your guilt is determined by a jury or

15 by me in a non-jury trial, or your waiver to a  
16 trial is accepted by me?

17 THE DEFENDANT: Yes, your Honor.

18 THE COURT: Is it your desire to give  
19 up your rights to a trial by jury?

20 THE DEFENDANT: Yes, your Honor.

21 THE COURT: Is it also your desire to  
22 give up your rights to a trial without a jury?

23 THE DEFENDANT: Yes, your Honor.

24 THE COURT: You aware the Government  
25 have to prove your guilt beyond a reasonable doubt

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1 at trial?

2 THE DEFENDANT: Yes.

3 THE COURT: Do you understand that you  
4 have a right to be confronted by all of the  
5 witnesses who have been proposed by the Government  
6 to testify against you?

7 THE DEFENDANT: Yes.

8 THE COURT: You know that your attorney  
9 will be given an opportunity to cross-examine every  
10 witness who have been called upon by the Government  
11 to testify against you?

12 THE DEFENDANT: Yes.

13 THE COURT: Are you aware that you have  
14 a right to call witnesses on your own behalf?

15 THE DEFENDANT: Yes.

16 THE COURT: You understand that you may  
17 use the subpoena for the purpose of obtaining the  
18 presence of witnesses to testify on your behalf  
19 during a hearing or trial in this case?

20 THE DEFENDANT: Yes.

21 THE COURT: Do you know that you have a  
22 right to remain silent, and not to incriminate  
23 yourself at anytime during this case?

24 THE DEFENDANT: Yes.

25 THE COURT: Are you aware that you're

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1 not required to testify at anytime in this case,  
2 unless it is your desire to do so?

3 THE DEFENDANT: Yes.

4 THE COURT: Do you know that the United  
5 States attorney cannot comment upon your decision  
6 not to take the witness stand in your own defense?

7 THE DEFENDANT: Yes.

8 THE COURT: You understand that you  
9 have a right to have the jury instructed, that no

10 inference of guilt can be assumed by your election  
11 not to take the witness stand?

12 THE DEFENDANT: Yes.

13 THE COURT: If you plead guilty, do you  
14 know that there will be no trial and that you will  
15 give up your right to a trial?

16 THE DEFENDANT: Yes.

17 THE COURT: If you're convicted at a  
18 trial, are you aware of the right to appeal the  
19 verdict and/or the sentence?

20 THE DEFENDANT: Yes.

21 THE COURT: If your plea of guilty is  
22 accepted by me, or in the event that you are  
23 convicted at the conclusion of trial, are you aware  
24 of your right to receive the services of an  
25 attorney who will assist you with your appeal?

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1 THE DEFENDANT: Yes.

2 THE COURT: Has your attorney informed  
3 you of the nature and the elements of the criminal  
4 charge to which you offer the plea of guilt?

5 THE DEFENDANT: Yes.

6 THE COURT: Do you fully understand the

7 nature and the elements of this criminal offense?

8 THE DEFENDANT: Yes.

9 THE COURT: Has your attorney fully  
10 answered all of your questions about this criminal  
11 charge to your complete satisfaction?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Do you understand every  
14 provision within the Proposed Rule 11 Plea  
15 Agreement, which has been labeled in this record as  
16 Government's Exhibit 1?

17 THE DEFENDANT: Yes.

18 THE COURT: Are you aware that this  
19 Proposed Rule 11 Plea Agreement contains a  
20 provision which indicates that you have given up  
21 your right to appeal, as well as your right to  
22 collaterally attack the sentence?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: You understand this  
25 Proposed Rule 11 Plea Agreement is only a

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1 recommendation to me?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: You realize that I have the  
4 right to reject this Proposed Rule 11 Plea

5 Agreement?

6 THE DEFENDANT: Yes, I do, sir.

7 THE COURT: Do you know that if your  
8 Proposed Rule 11 Plea Agreement is covered by  
9 Federal Rule of Criminal Procedure 11(c) 1(a), or  
10 Federal Rule of Criminal Procedure 11(c) 1(c), it  
11 will become binding upon you and the Government if  
12 and when it is accepted by me?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: You also understand that  
15 your Proposed Rule 11 Plea Agreement is governed by  
16 Federal Rules of Criminal Procedure 11(c) 1(b), you  
17 do not the right to withdraw your guilty plea, even  
18 if I rejected the recommendation by the Government?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Mr. Judge, I have presented  
21 a series of questions to Mr. Ivezaj relating to the  
22 Rule 11 Plea Agreement.

23 Is there a provision within this  
24 document, namely Government's Exhibit 1, which  
25 speaks to any waiver of his right to appeal?

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1 MR. JUDGE: Yes, your Honor, that's set

2           forth in pages seven and eight of the Rule 11  
3           Agreement between the parties.

4                       And sets forth the agreement that  
5           should the Court impose a sentence at or below the  
6           agreed to range, which is 27 to 33 months, that the  
7           Defendant waives his right to appeal.

8                       THE COURT: Mr. Judge, will you read  
9           Paragraph 6 on page seven, which is entitled Right  
10          To Appeal?

11                      MR. JUDGE: Yes, your Honor, that  
12          paragraph sets forth, "If the sentence imposed  
13          falls within or below the guideline range  
14          determined pursuant to Paragraph 2 of the above,  
15          the Defendant waives any right to appeal of his  
16          conviction or sentence.

17                      If the sentence imposed is above that  
18          range, the Defendant retains his right to directly  
19          appeal the Court's sentencing determination.

20                      The Government agrees not to appeal any  
21          sentence within the guideline range, that is  
22          recommended in Paragraph 2(b), but retains the  
23          right to appeal any determination by the Court to  
24          apply a lower guideline range."

25                      THE COURT: Sir, did you hear Mr. Judge

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1           recite a section within the Proposed Rule 11 Plea  
2           Agreement, which speaks to your waiver right to  
3           appeal?

4                     THE DEFENDANT: Yes, I did, Judge.

5                     THE COURT: Do you understand that?

6                     THE DEFENDANT: Yes, sir.

7                     THE COURT: Does it change your mind  
8           about offering a plea of guilty?

9                     THE DEFENDANT: No, sir.

10                    THE COURT: Are you aware that I may  
11           require you to provide full and complete  
12           restitution of any victim of your alleged activity?

13                    THE DEFENDANT: Yes, sir.

14                    THE COURT: If your guilty plea is  
15           accepted by me, do you know that a special  
16           assessment will be imposed upon you in addition to  
17           any fines or costs?

18                    THE DEFENDANT: Yes.

19                    THE COURT: I should note that  
20           Mr. Ivezaj, am I pronouncing your name correctly?

21                    THE DEFENDANT: Close enough, your  
22           Honor.

23                    THE COURT: Close enough, alright.

24                    THE DEFENDANT: Sure.

25                    THE COURT: Note that he has correctly

1           labeled \$100 as the correct special assessment.

2                       Mr. Judge, if this matter went to  
3           trial, what in your judgment, would the Government  
4           be able to prove against him if this matter went to  
5           trial?

6                       MR. JUDGE: Yes, your Honor, with  
7           respect to Count II of the superseding indictment,  
8           the Government would seek and prove at trial that  
9           starting in or between June of 2003 and continuing  
10          through October of 2003, that the Defendant,  
11          Mr. Ivezaj, agreed and conspired with Roy Bailey  
12          and with others, to commit the offense of bribery  
13          of a public official.

14                      Your Honor, the Government would prove  
15          at trial and at that time, Mr. Bailey held the  
16          position of acting field office director for the  
17          Detroit, Michigan office of the Department of  
18          Homeland Security, Immigration and Customs  
19          Enforcement.

20                      And evidence would further prove, your  
21          Honor, that during that time period at and in the  
22          location in Romulus, Michigan, that Mr. Ivezaj and  
23          others acting at his direction, provided free  
24          construction services and materials at a residence  
25          that was owned by Mr. Bailey.

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1                   And will prove that, your Honor, the  
2                   value of the services and materials provided to  
3                   Mr. Bailey, were in excess of \$3,000.

4                   The Government will further show, your  
5                   Honor, that in return for the free construction  
6                   materials and services, that the agreement was that  
7                   Mr. Bailey would take steps to release from the  
8                   custody of Immigration and Customs Enforcement, a  
9                   relative of Mr. Ivezaj who was then in custody and  
10                  awaiting deportation from the United States.

11                  The evidence will further show that on  
12                  or about August 25th of 2003, that individual who  
13                  was identified by the name John, which is spelled  
14                  J-g-o-n, last initial C, that that individual who  
15                  is a direct relative of the Defendant, Mr. Ivezaj,  
16                  was, in fact, released from Immigration and Customs  
17                  Enforcement custody. And that would represent an  
18                  official act committed by Mr. Roy Bailey.

19                  THE COURT: And once again, the date or  
20                  the approximate dates of when this alleged offense  
21                  occurred?

22                  MR. JUDGE: Yes, your Honor, the

23 evidence will prove that these events occurred  
24 between June of 2003 and October of 2003 at  
25 Romulus, Michigan, Detroit, Michigan and other

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1 locations in the eastern district of Michigan.

2 THE COURT: Sir, did you hear  
3 Mr. Judge's recitation in regarding his opinion  
4 that the Government will be able to prove against  
5 you if this matter went to trial?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Is there anything that he  
8 said that you disagree?

9 THE DEFENDANT: No.

10 THE COURT: Do you accept all of his  
11 statements as being correct?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Tell me in your own words  
14 what you did?

15 THE DEFENDANT: I performed free  
16 construction work for Mr. Roy Bailey, to ensure  
17 there would be a release for my cousin from INS  
18 detention.

19 THE COURT: Who is Roy Bailey? I mean,  
20 your contact with him give you any satisfaction of

21           what you're trying to do? Do you understand my  
22           question?

23                       THE DEFENDANT: As who he was?

24                       THE COURT: Well, I see the name  
25           Roy Bailey, but I'm trying to determine between the

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1           year 2000 and 2003, did you know Roy Bailey, did  
2           you know him?

3                       THE DEFENDANT: Yes, sir.

4                       THE COURT: And did he have any  
5           governmental position?

6                       THE DEFENDANT: Yes, sir, I think he  
7           was one of the people that determined who would be  
8           released on bond.

9                       THE COURT: Do you know what his  
10          official title was?

11                      THE DEFENDANT: His exact title, not  
12          necessarily. So, I know he was detainee, detention  
13          agent. I'm not exactly sure exactly which.

14                      THE COURT: Do you know what department  
15          he worked with?

16                      THE DEFENDANT: The INS in Detroit.

17                      THE COURT: Is that a, to your

18 knowledge, is that a federal agency or a state  
19 agency?

20 THE DEFENDANT: Federal agency, your  
21 Honor.

22 THE COURT: And why would Roy Bailey be  
23 of any interest to you?

24 THE DEFENDANT: To obtain the release  
25 of my cousin.

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1 THE COURT: And who is your cousin?

2 THE DEFENDANT: My cousin's name is  
3 Jgon Cacaj.

4 THE COURT: Would you, for the record,  
5 spell his last name?

6 THE DEFENDANT: C-a-c-a-j.

7 THE COURT: And he was, as far as  
8 between this period of time in 2000 and 2003, was  
9 he held by federal authorities?

10 THE DEFENDANT: 2003 I believe so, sir.

11 THE COURT: To your knowledge, what was  
12 the charge of being held?

13 THE DEFENDANT: For deportation.

14 THE COURT: And did you have any  
15 contact with Roy Bailey with regards to your

16 cousin?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: And was that written or  
19 oral?

20 THE DEFENDANT: Oral.

21 THE COURT: And what was the nature of  
22 your contact with Mr. Bailey?

23 THE DEFENDANT: My contact with  
24 Mr. Bailey was whether there was a possibility for  
25 the release of my cousin, to go back home to his

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1 wife and kids.

2 THE COURT: According to the first  
3 superseding indictment as it relates to Count II,  
4 Paragraph 4 read as follows. "In or about July and  
5 August of 2003, Antonio Ivezaj demanded, sought,  
6 received and accepted and agreed to accept the sum  
7 of \$50,000 in funds, paid by and on behalf of an  
8 individual here and after identified as John C.,  
9 who was then in the custody of the Office of  
10 Detention and Removal Operations of Immigration and  
11 Customs Enforcement, formerly known as the  
12 Immigration and Naturalization Service."

13                   The following paragraph is Paragraph 5  
14           reads as follows, in August of 2003, Roy N. Bailey,  
15           released and cause to be released John C. from the  
16           custody of the Office of Detention and Removal of  
17           Operations of Immigration and Customs Enforcement.  
18           Formally known as the Immigration and  
19           Naturalization Services."

20                   Are those statements correct?

21                   THE DEFENDANT: No, sir, your Honor,  
22           those statements aren't correct, there was never  
23           any payment of money.

24                   THE COURT: There was no money given to  
25           Mr. Bailey?

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1                   THE DEFENDANT: None whatsoever.

2                   THE COURT: Is that?

3                   MR. JUDGE: Sorry.

4                   THE COURT: Did you offer to pay  
5           Mr. Bailey any money?

6                   THE DEFENDANT: No, sir.

7                   THE COURT: Did you ever provide any  
8           third person with monies that were designed to be  
9           given to Mr. Bailey?

10                   THE DEFENDANT: No, sir.

11 THE COURT: Did you have any contact  
12 with Mr. Bailey other than--well, strike that.

13 What contact did you have with  
14 Mr. Bailey in his capacity as a representative of  
15 the Detention and Removal of Operations or  
16 Immigration and Customs employee?

17 THE DEFENDANT: As far as? I'm sorry,  
18 your Honor, the question?

19 THE COURT: Did you have any contact  
20 with Mr. Bailey, which was designed to get your  
21 cousin released?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: And what was that contact  
24 and when and where?

25 THE DEFENDANT: The contact was made in

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1 Romulus, Michigan, I want to say in the month of  
2 August, 2003.

3 THE COURT: And where did you have  
4 contact with him?

5 THE DEFENDANT: At his home.

6 THE COURT: Did he invite you to his  
7 home?

8 THE DEFENDANT: No, sir.

9 THE COURT: You just showed up at his  
10 home?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: How did you know where he  
13 lived?

14 THE DEFENDANT: We had done a driveway  
15 a few years prior to that across the street for a  
16 neighbor of Mr. Bailey's. Replaced, removed and  
17 replaced a driveway.

18 THE COURT: Were you working as an  
19 employee of a company that you were removing the  
20 driveway?

21 THE DEFENDANT: Me and my brother, your  
22 Honor.

23 THE COURT: Did you and your brother  
24 own the company?

25 THE DEFENDANT: Yes, sir.

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1 THE COURT: And it was while you were  
2 working there that you saw or met Mr. Bailey?

3 THE DEFENDANT: Yes, sir. And he was  
4 also supervising myself while I was on there as  
5 well, your Honor.

6 THE COURT: Stop me, because I have you  
7 and your brother working on a driveway across from  
8 Mr. Bailey's home?

9 THE DEFENDANT: Correct.

10 THE COURT: Now, you're telling me that  
11 Mr. Bailey was a supervisor, you want to help me  
12 out?

13 MR. KEMNITZ: Briefly, your Honor. The  
14 reason Mr. Ivezaj knew who Mr. Bailey was, is  
15 because he had had contact with Mr. Bailey  
16 previously due to his own immigration case.

17 He had been through the immigration  
18 process before, and that's how he got to know Roy  
19 Bailey, that's how he knew Roy Bailey was the guy  
20 who could release somebody on bond.

21 He then--that's how he knew who  
22 Roy Bailey was, and then knew where he lived, knew  
23 how to go to Roy Bailey.

24 THE COURT: All right. Now, when did  
25 you go to Roy Bailey's home?

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1 THE DEFENDANT: It was the month of  
2 August, your Honor.

3 THE COURT: Of what year?

4 THE DEFENDANT: 2003.

5 THE COURT: Had Mr. Bailey invited you  
6 to come to his home?

7 THE DEFENDANT: No, your Honor.

8 THE COURT: You just showed up?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: And what, if anything, did  
11 you say to him, and what, if anything, did he say  
12 to you?

13 THE DEFENDANT: I basically had  
14 mentioned--I said I was in the neighborhood,  
15 driving in the neighborhood and I asked Mr. Bailey  
16 I have a cousin who has a wife and kids and he's  
17 been detained by the Deportation Department of INS.

18 What possibilities, or what procedures  
19 would have to be taken for him to be on bond while  
20 his deportation process was going.

21 THE COURT: Did Mr. Bailey respond to  
22 your question?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: And what, if anything, did  
25 he say?

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1                   THE DEFENDANT: He basically then gave  
2                   me a tour of a new home he had purchased, he said  
3                   he had purchased across the street from his home.  
4                   And showed me what they were doing and how they  
5                   were remodeling and asked me for opinions on  
6                   certain things.

7                   And basically showed me the kitchen.  
8                   And basically asked me do I know anyone that knew  
9                   how to do cabinet work, kitchen work basically.  
10                  And yes, I did.

11                 THE COURT: That was his response to  
12                 your question?

13                 THE DEFENDANT: No, his response to my  
14                 question was, there is something that could be  
15                 looked into it and see exactly what can be done.

16                 THE COURT: How did you interpret  
17                 Mr. Bailey's comment?

18                 THE DEFENDANT: Basically that he  
19                 implied that the kitchen work would help my cousin.  
20                 There wouldn't be a reason why he wouldn't be able  
21                 to be released on a supervised release.

22                 THE COURT: Did you read into his  
23                 response that if you made the remodeling, did the  
24                 remodeling project of this kitchen, that he would  
25                 get your cousin released?

1 THE DEFENDANT: Yes.

2 THE COURT: Did you perform any work on  
3 this kitchen?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Did you complete it?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: And did you inform  
8 Mr. Bailey that you had completed the job?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: And did your cousin get  
11 released?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Mr. Judge, incidentally  
14 you--when I asked Mr. Judge what, in his opinion,  
15 the Government would be able to prove, he told us a  
16 slightly different story.

17 Do you agree, I believe Mr. Judge  
18 indicated that monies had been passed?

19 MR. JUDGE: No, your Honor, I actually  
20 clarified that. The Government stated that  
21 construction services and materials had been  
22 provided to Mr. Bailey. And the parties agree that  
23 those are worth in excess of \$3,000.

24 Now, just to be clear from Mr. Ivezaj,  
25 that after the work was performed he never billed,

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1 Mr. Ivezaj never received payment from Mr. Bailey.

2 THE COURT: Is that correct?

3 THE DEFENDANT: Correct, your Honor.

4 THE COURT: Did you know what you were  
5 doing was wrong?

6 THE DEFENDANT: Yes.

7 THE COURT: Did you know it was against  
8 the law what you were doing?

9 THE DEFENDANT: Yes.

10 THE COURT: Are you aware that I am  
11 seeking to determine the appropriate sentence to  
12 impose upon you. I have a legal obligation to  
13 consider the applicable sentencing guidelines.

14 Any possible departures under the  
15 sentencing guidelines, and such other sentencing  
16 factors that may be applicable under Title 18  
17 United States Code Section 3552, Sub-paragraph(a).

18 THE DEFENDANT: Yes.

19 THE COURT: Mr. Judge, would you advise  
20 Mr. Ivezaj of the maximum penalties I can impose  
21 upon him, including jail time and fines?

22 MR. JUDGE: Yes, your Honor, under the  
23 statute provide for maximum jail is five years

24                   imprisonment, and a fine up to \$250,000, or both.

25                   THE COURT: Does that change--did you

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1                   hear Mr. Judge's recitation?

2                   THE DEFENDANT: Yes, I did.

3                   THE COURT: Does that change your mind  
4                   about offering a plea of guilt today?

5                   THE DEFENDANT: No, sir.

6                   THE COURT: Do you know if your guilty  
7                   plea is accepted by me, could result in the  
8                   revocation of any presently existing probation or  
9                   parole?

10                  THE DEFENDANT: Yes, sir.

11                  THE COURT: Do you understand that the  
12                  law requires me to impose a term of supervised  
13                  release on the completion of your imprisonment, if  
14                  you're placed in custody for more than one year.  
15                  Or if the term of supervised release is required by  
16                  a specific statute?

17                  THE DEFENDANT: Yes, sir.

18                  THE COURT: Are you aware that if you  
19                  violated a condition of supervised release, your  
20                  supervised release may be revoked and followed by a  
21                  term of imprisonment.

22                               Or you may be permitted to continue on  
23 supervised release without an extension of its  
24 terms or modification of its conditions?

25                               THE DEFENDANT: Yes, sir.

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1                               THE COURT: Is your plea of guilty  
2 being offered to me freely and voluntarily?

3                               THE DEFENDANT: Yes, your Honor.

4                               THE COURT: Have you been induced or  
5 persuaded to offer this plea of guilt because of  
6 any statement or representation by anyone, that you  
7 would be treated with leniency by me only if you  
8 offered a plea of guilt to this charge?

9                               THE DEFENDANT: No, sir.

10                              THE COURT: Have you been induced to  
11 offer this plea of guilt because of any threat,  
12 undue influence or duress or promise?

13                              THE DEFENDANT: No, sir.

14                              THE COURT: During the time of your  
15 exchange with Mr. Bailey, had you consumed any  
16 illegal drugs, medication, alcohol or controlled  
17 substances?

18                              THE DEFENDANT: No, sir.

19 THE COURT: Do you know of anything  
20 that would prevent you from fully understanding the  
21 questions that I have asked you today?

22 THE DEFENDANT: No, sir.

23 THE COURT: Do you know of anything  
24 that would prevent you from giving me full and  
25 complete and truthful answers to my questions?

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1 THE DEFENDANT: No, sir.

2 THE COURT: Is your plea of guilt being  
3 offered because you believe it would be in your  
4 best interest?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Are you asking me to accept  
7 your admission of guilt?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: After reflecting upon your  
10 answers that you have given to my questions, do you  
11 now offer a plea of guilt to violating Title 18  
12 United States Code, Sections 201 and 371, namely  
13 conspiracy to commit bribery?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Have you thoroughly  
16 understood all the questions I have asked you

17 today?

18 THE DEFENDANT: Yes, I have.

19 THE COURT: Mr. Judge, do you have any  
20 questions of Mr. Ivezaj?

21 MR. JUDGE: No, your Honor.

22 THE COURT: Do you believe that the  
23 elements of the offense have been established?

24 MR. JUDGE: Yes, your Honor.

25 THE COURT: Do you know of any

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1 procedure or irregularities with this hearing?

2 MR. JUDGE: No, your Honor.

3 THE COURT: Mr. Kemnitz, do you have  
4 any questions of your client?

5 MR. KEMNITZ: No, I do not, your Honor.

6 THE COURT: Do you believe the elements  
7 of the offense have been established?

8 MR. KEMNITZ: I do, your Honor.

9 THE COURT: Do you know of any  
10 procedure or irregularities with this hearing?

11 MR. KEMNITZ: None, your Honor.

12 THE COURT: I have completed my  
13 questioning of the Defendant in this case, and I am

14 fully satisfied that a factual basis has been  
15 established for the criminal offense which brings  
16 him into court today.

17 And in my judgment, his offer of guilt  
18 was voluntarily and intelligently made to me by  
19 him. More over, I have not found any evidence of  
20 any mitigating factors which, in my opinion, would  
21 have adversely affected his ability to fully and  
22 completely understand the nature, as well as the  
23 consequences of his admission of guilt.

24 And finally Mr. Ivezaj, having been  
25 personally advised of this fundamental rights under

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1 the United States Constitution and after consulting  
2 with his counsel, have knowingly and willingly  
3 waived those rights for the purpose of offering a  
4 plea of guilty in this case today.

5 Therefore, I will accept the offer of  
6 guilt by the Defendant Antonio Ivezaj, to violating  
7 Title 18 United States Code Section 201 and 371,  
8 conspiracy to commit bribery.

9 I will however, reserve judgment with  
10 regards to the acceptance of the Rule 11, Proposed  
11 Rule 11 Plea Agreement. I will officially take it

12 under advisement.

13 I will direct you, sir, to return to  
14 this courtroom on November 21, 2008 at 2:00 in the  
15 afternoon. At that time, I will advise you as to  
16 whether I will or will not accept the Rule 11 Plea  
17 Agreement.

18 If I do accept this Proposed Rule 11  
19 Plea Agreement, I will then impose a sentence on  
20 you immediately thereafter.

21 However, in the event that I decline to  
22 accept the Proposed Rule 11 Plea Agreement, in the  
23 event I can allow you to withdraw your offer of  
24 guilt and a new trial in this matter will be set  
25 for November 25, 2008 at 8:30 in the morning.

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1 Do you understand that, sir?

2 THE DEFENDANT: Yes, I do, your Honor.

3 THE COURT: What is the bond  
4 arrangement?

5 MR. JUDGE: Your Honor, the Defendant  
6 is currently in custody of the U.S. Marshal  
7 Services Department.

8 THE COURT: All right. Anything else

9 from the Government?

10 MR. JUDGE: Nothing further from the  
11 Government.

12 MR. KEMNITZ: Nothing, your Honor.

13 THE COURT: Thank you.

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7  
8 I, Deborah Jean Nash, do hereby  
9 certify that I have recorded stenographically the  
10 proceedings had and testimony taken in the above-entitled  
11 matter at the time and place hereinbefore set forth, and I  
12 do further certify that the foregoing transcript,  
13 consisting of (33) typewritten pages, is a true and  
14 correct transcript of my said stenograph notes.

15

16

17 \_\_\_\_\_/s\_\_\_\_\_  
18 Deborah Jean Nash, CSR-2993  
19 Certified Shorthand Reporter

11-26-08

19 \_\_\_\_\_  
(Date)

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